

# S U M M A R Y   A C T I O N   M I N U T E S



## REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

*Tuesday, November 9, 2004, 9:30 A.M.*

BOARD HEARING ROOM, FIRST FLOOR  
10 Civic Center Plaza  
Santa Ana, California

**THOMAS W. WILSON**  
CHAIRMAN  
Fifth District

**JAMES W. SILVA**  
VICE CHAIRMAN  
Second District

**CHARLES V. SMITH**  
SUPERVISOR  
First District

**BILL CAMPBELL**  
SUPERVISOR  
Third District

**CHRIS NORBY**  
SUPERVISOR  
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Thomas G. Mauk
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

### **I. PRESENTATIONS/INTRODUCTIONS**

Supervisor Campbell presented a resolution commending Fred Smoller, Ph.D. for his 6 years of volunteer service

Chairman Wilson presented a resolution proclaiming November 16, 2004 as "Prematurity Awareness Day"

Chairman Wilson presented a resolution proclaiming November 2004 as "National Adoption Awareness Month"

### **II. CONSENT CALENDAR (Items 1-34)**

23145      **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 14, 29 & 34  
WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

### **HEALTH CARE AGENCY**

1.      Approve price agreement N1000006290 with California State University, Long Beach Foundation for Professional Evaluation services for Tobacco Prevention Programs, 11/9/04 - 11/8/05 (\$128,000) - All Districts

# S U M M A R Y   A C T I O N   M I N U T E S

2. Adopt resolution approving agreement UBG10-04-24 with California Integrated Waste Management Board for Used Oil Recycling Block Grant Funds for 13 cities, 7/1/04 - 6/30/07 (\$213,390) - All Districts  
*RESO: 04-295*
3. Approve agreement 04-35843 with State Department of Health Services for Syphilis Elimination Initiative, 7/1/04 - 6/30/05 (\$45,000) - All Districts

## **HOUSING AND COMMUNITY SERVICES DEPARTMENT**

4. Approve agreement with California Hispanic Commission on Alcohol and Drug Abuse, Inc. to operate as South Orange County In-School Youth Program Services provider, 11/10/04 - 6/30/05 (\$105,912); authorize Director to renew agreement for one additional year under certain conditions - District 5
5. Approve agreements with Nancy Lewis Associates, Inc. (\$35,000), CSG Advisors, Inc. (\$10,000), Rosenow Spevacek Group, Inc. (\$20,000) and Public Financial Management (\$5,000) for financial advisor and technical assistance services, 11/10/04 - 11/9/05; renewable for two additional years - All Districts
6. Approve agreement with Barbara J. Woodruff, R.D. for Registered Dietitian Nutrition Consulting services, 11/9/04 - 6/30/05 (\$55,000) - All Districts

## **ORANGE COUNTY PUBLIC LIBRARY**

7. Approve submission of grant application to and acceptance of grant award from Mervyn's Stores for 2004 Community Giving Program for Children's Library Card Campaign (\$7,000) - All Districts
8. Approve submission of grant applications to and acceptance of grant award from Target Stores for 2004 Community Giving Program for Aliso Viejo, Ladera Ranch and San Clemente Branch Libraries (\$6,000) - District 5

## **RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT**

9. Approve price agreement N1000006329 with The Soto Company for landscape maintenance, Lantern Bay Park, 12/1/04 - 11/30/05 (\$54,391); renewable for two additional years; and make California Environmental Quality Act findings - District 5
10. Adopt resolution certifying completion of street improvements and street lights; authorizing release of security and accepting public street improvements, street lights, sewer and water systems and monumentation, Tract 16236, Centex Homes, Ladera Ranch area - District 5  
*RESO: 04-296*
11. Receive bids and award contract to Cedars Engineering Construction, Inc. for ADA playground equipment replacement, Clark Regional Park, Buena Park (\$308,000) - District 4
12. Adopt resolution certifying completion of street improvements and street lights; authorizing release of security and accepting public street improvements, street lights, sewer and water systems and monumentation, Tract 16243, Centex Homes, Ladera Ranch area - District 5  
*RESO: 04-297*

# S U M M A R Y   A C T I O N   M I N U T E S

13. Approve amended agreement S0203-0113 with Standard Pacific Corp. for change of ownership and substitution of security for Tract 16427, Newport Coast area; and authorize release of bonds provided by Irvine Community Development Company - District 5
14. Select MRF Geosystems Corporation as primary and Intergraph Corporation as alternate firms for software maintenance in connection with the Orange County Geographic Information Systems; and authorize negotiation of agreement for Board approval - All Districts
- 23145 **APPROVED AS RECOMMENDED**
15. Authorize release of security for street improvements, sewer and water systems and monumentation, Tract 16270, Standard Pacific Corp., Ladera Ranch area - District 5
16. Approve rent free lease with the Secretary of the Army for public park and recreational purposes, Craig Regional Park; and make California Environmental Quality Act findings - Districts 3 and 4
17. Approve amendment 2 to agreement D01-101 with HNTB Corporation for design and construction support services for Laguna Canyon Road Segment 4; extending term two years (\$220,000); and make California Environmental Quality Act findings - All Districts
18. Receive bids and award contract to HRS Engineering Corporation for construction of walkway, Sunset Beach area (\$185,829.21) - District 2
19. Approve Tract 15989, DMB Ladera LLC, Ladera Ranch area; accept easement for emergency access over all of Lots BA through BC and public pedestrian access purposes as dedicated; and approve construction agreement S0804-0118 and accept bonds guaranteeing construction of improvements - District 5
20. Approve contract change order no. 2 to agreement D04-021 with R.J. Noble Company and accept improvements for Lincoln Avenue asphalt overlay resurfacing; project completed 9/7/04 (\$290,000) - District 3

## **SOCIAL SERVICES AGENCY**

21. Accept grant award from Stuart Foundation for support of Family to Family Initiative, 9/10/04 - 10/31/05 (\$100,000) - All Districts
22. Approve Orange County Refugee Services Plan, FFY 2004-05; authorize submission to State Department of Social Services; and authorize Director to execute amendments under certain conditions - All Districts
23. Accept cash donation from Sally Jo Turner for Orangewood Children's Home (\$20,000) - District 3

## **PUBLIC PROTECTION**

24. **Probation** - Approve amended price agreement N1000005866 with Intratek Computer, Inc., for computer hardware/software services, 11/9/04 - 3/31/05 (\$141,120: new total \$184,870) - All Districts

# S U M M A R Y   A C T I O N   M I N U T E S

## **Sheriff-Coroner:**

- 25 .            Approve amended agreement with Rancho Santiago Community College District for Coroner Death Investigation Courses (\$13,500) - All Districts
- 26 .            Adopt resolution approving Orange County Hazard Mitigation Plan; and authorize submission to Governor's Office of Emergency Services and Federal Emergency Management Agency - All Districts  
*RESO: 04-298*
- 27 .            Approve mutual non-disclosure agreement for exchange of information with Lawrence Livermore National Laboratory - All Districts
- 28 .            Receive and file annual Inmate Welfare Fund Expenditure Report, FY 2003-04 (\$5,336,144.20) - All Districts (Continued from 10/26/04, Item 12)
- 29 .            Approve agreement with California Department of Motor Vehicles for on-line access of driver license and identification card images from DMV electronic driver license Disaster Recovery Image database, term ending 6/30/07 - All Districts  
43125           **APPROVED AS RECOMMENDED**
- 30 .            Approve price agreement N1000006241 with NEC Solutions America, Inc., for maintenance of 28 LiveScan devices, 11/9/04 - 7/31/05 (\$145,584) - All Districts
- 31 .            Approve price agreement N1000006349 with Freedom Imaging for maintenance of digital x-ray system, 11/9/04 - 11/8/05 (\$44,428); renewable for two additional years - All Districts
- 32 .            Approve Federal Annual Certification Report for participation in Federal Equitable Sharing Program, FY 2003-04 - All Districts
- 33 .            Adopt resolution approving amended lease agreement FC-107 with State Department of Forestry and Fire Protection to provide intermittent, call-when-needed helicopter services, 11/18/04 - 3/12/05 (\$5,000); and authorize Sheriff-Coroner to execute subsequent amendments under certain conditions - All Districts  
*RESO: 04-299*

## **GENERAL ADMINISTRATION**

- 34 .            **County Counsel** - Approve agreement with O'Melveny & Myers LLP for legal services for post-retirement benefits and waive potential conflicts of interest for joint representation - All Districts  
32145           **APPROVED AS RECOMMENDED**  
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**END OF CONSENT CALENDAR**

# S U M M A R Y   A C T I O N   M I N U T E S

## III. DISCUSSION ITEMS (Items 35-S49B)

### HEALTH CARE AGENCY

35. Approve amendment 2 to agreement with Mariposa Women's Center, Inc., for Alcohol and Drug Abuse Prevention and Behavioral Health Outpatient services, 7/1/03 - 6/30/05 (\$246,605; new total \$953,780) - All Districts  
32145 **APPROVED AS RECOMMENDED**

### HOUSING AND COMMUNITY SERVICES DEPARTMENT

36. Approve amended agreements with Coast Community College District for allocating additional dislocated worker and disadvantaged adults funds (\$432,123; new total \$2,736,081 for northern region and \$743,951; new total \$2,627,589 for southern region) - All Districts  
32145 **APPROVED AS RECOMMENDED**  
N
37. Approve amendment 3 to agreement with St. Jude Medical Center for Senior Non-Emergency Medical Transportation Pilot Program services, North Orange County Senior Connections Program, 1/1/05 - 3/31/05 (\$197,702; new total \$593,106) - Districts 2, 3 & 4  
43125 **APPROVED AS RECOMMENDED**
38. Approve amendment 2 to agreement with South County Senior Services, Inc. for Senior Non-Emergency Medical Transportation Pilot Program services, 1/1/05 - 3/31/05 (\$150,000; new total \$334,790) - Districts 3 & 5  
52134 **APPROVED AS RECOMMENDED**

### INTEGRATED WASTE MANAGEMENT DEPARTMENT

39. Authorize purchase of Caterpillar D10R with waste disposal arrangement trash dozer and balderson blade from Quinn Shepherd Machinery, Olinda Alpha Landfill (\$1,015,707.79) - District 3  
32145 **APPROVED AS RECOMMENDED**
40. Approve change order 15 to agreement with Reyes Construction, Inc., for final closure construction, Santiago Canyon Landfill (\$174,380.12; new total \$13,213,674.66) - District 3  
32145 **APPROVED AS RECOMMENDED**

### JOHN WAYNE AIRPORT

41. Approve consent to assignment of lease of Newport Beach Sales and Leasing, Inc. dba Thrifty Car Rental to DTG Operations, Inc. dba Thrifty Car Rental for rental car concession; and make California Environmental Quality Act and other findings - District 2 (4/5 vote)  
B.O. **CONTINUED TO 11/23/04, 9:30 A.M.**
42. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Title 2, Division 1, Airports, and Title 4, Division 13, Storm Water Management and Urban Runoff, of the Codified Ordinances of the County of Orange" - District 2 (Continued from 10/26/04, Item 18)  
25134 **APPROVED AS RECOMMENDED**  
*ORD: 04-016*

# S U M M A R Y   A C T I O N   M I N U T E S

## RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

- 43 .            Adopt Negative Declaration IP 04-229; approve amendment 2 to agreement D02-044 with McLean & Schultz for design and construction support services, Warner Avenue Bridge Widening Project, Santa Ana River Channel, extending term to 12/29/06 (\$37,460; new total \$423,045); and adopt resolution authorizing Director or designee to execute related documents - Districts 1 and 2
- 21345           **APPROVED AS RECOMMENDED**  
*RESO: 04-300*

## SOCIAL SERVICES AGENCY

- 44 .            Approve price agreement N1000006247 with Transnational Computer Technology for computer assistant services, 11/21/04 - 11/20/05 (\$330,000); renewable for two additional years - All Districts
- 53124           **APPROVED AS AMENDED TO DIRECT STAFF TO RETURN TO THE BOARD FOR APPROVAL OF RENEWALS IN THE EVENT THERE IS A RATE INCREASE**

## PUBLIC PROTECTION

- 45 .            **Sheriff-Coroner** - Ratify submission and execution of grant agreement AL0555 with State Office of Traffic Safety for Avoid South County Regional DUI Taskforce project, 10/1/04 - 12/31/06 (\$540,570) - Districts 3 & 5
- 51234           **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

### **County Executive Office:**

- 46 .            Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
- DISCUSSED**
- 47 .            Ratify selection of and approve agreement 04-006BC with Orrick, Herrington & Sutcliffe LLP as bond/tax counsel for bankruptcy recovery debt reduction analysis and any resulting financing - All Districts
- B.O.            **CONTINUED TO 11/23/04, 9:30 A.M.**
- 48 .            **Registrar of Voters** - Receive oral report on Elections Activity - All Districts
- B.O.            **RECEIVED**
- 49 .            **Treasurer-Tax Collector** - Adopt resolution authorizing issuance of Centralia School District General Obligation Bonds, Election of 2002, Series 2004A (\$5,500,012.45) - Districts 2, 3 & 4
- 41235           **APPROVED AS RECOMMENDED**  
*RESO: 04-301*
- S49A .           **Supervisor Campbell** - Adopt resolution commending The Ball Family for 75 years of combined service to St. Joseph Hospital
- 31245           **APPROVED AS RECOMMENDED**  
*RESO: 04-302*

# S U M M A R Y   A C T I O N   M I N U T E S

- S49B.      **Supervisor Smith** - Adopt resolution commending Coalition of Orange Community Clinics 30th Anniversary  
13245      **APPROVED AS RECOMMENDED**  
              *RESO: 04-303*

## **IV. PUBLIC HEARINGS (Items 50-51)**

### **RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT**

50.            Public Hearing to consider adopting resolution delegating Director to sign Letter of Understanding and accept quitclaim deed from Union Pacific; adopt resolution rescinding Proposition 12 Per Capita grant funding for McCauley Trail project (\$395,400) and reallocating to Tustin Branch Trail project (\$395,400); authorize any remaining amount (\$395,400) not used to be available for other District 3 projects to be proposed at a later date; and make California Environmental Quality Act Findings - District 3 (Continued from 9/28/04, Item 21)  
B.O.            **CLOSED PUBLIC HEARING**  
32145           **APPROVED AS RECOMMENDED**  
              *RESO: 04-304 - 04-305*
51.            Public Hearing to consider approving acquisition contract with and accepting grant deeds from The Trust for Public Land for two parcels of land for regional park purposes, Modjeska Canyon and proposed Fremont Canyon Nature Preserves; approve easement deed and agreement with California State University, Fullerton Foundation and access easement and agreement with The Irvine Company; approve letter agreement with The Irvine Company, The Nature Conservancy and Irvine Regional Park; authorize Auditor-Controller to issue related payments; and make California Environmental Quality Act findings - District 3  
B.O.            **CLOSED PUBLIC HEARING**  
32145           **APPROVED AS RECOMMENDED**

## **V. CLOSED SESSION (Items CS-1-SCS-4)**

### **GENERAL ADMINISTRATION**

- CS-1.           **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):  
Name of Case: Association of Orange County Deputy Sheriffs; Orange County Employees Association; Association of County Law Enforcement Managers; International Union of Operating Engineers, Local 501, AFL-CIO; Thomas Dominguez; Wayne J. Quint, Jr.; and Lezlee Neebe v. County of Orange; Steve Rodermund, in his official capacity as the Orange County Registrar of Voters, et al., OCSC Case No. 04CC10248  
B.O.            **HELD, THE CLERK READ: THE BOARD BY A VOTE OF 3 TO 2, SUPERVISORS CAMPBELL, SMITH AND WILSON VOTING IN FAVOR, SUPERVISORS NORBY AND SILVA VOTING AGAINST, THE BOARD DIRECTED COUNTY COUNSEL TO DEFFEND THE AUTHORITY OF THE BOARD OF SUPERVISORS TO ALLOCATE PROP 172 FUNDS.**

# S U M M A R Y   A C T I O N   M I N U T E S

CS-2.      **County Executive Office - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:**  
Agency Negotiator: Shelley Carlucci Employee Organization: Orange County Managers Association and certain unrepresented employees

B.O.      **HELD, NO REPORTABLE ACTION**

SCS-3.      **Supervisor Silva - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957:**  
Title: Director of Internal Audit

B.O.      **HELD, NO REPORTABLE ACTION**

SCS-4.      **County Executive Office - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:**  
Property: 561 The City Drive South, Orange, CA Agency Negotiator: Tony Ferrulli Negotiating Party: Michael L. Malamut, Owner of Record

B.O.      **HELD, NO REPORTABLE ACTION**

## **VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT**

### **PUBLIC COMMENTS:**

Charles Griffin - Oral Re: John Wayne Airport noise and runway design issues and airport curfews

Darrell Nolte - Oral Re: Shortage of flu vaccine and Orange County distribution at no charge

### **BOARD COMMENTS:**

Board of Supervisors - Oral Re: Congratulations to Supervisor-Elect Correa

### **ADJOURNED: 1:15 P.M.**

42135      **Adjourned in memory of Lida Lenney**



# S U M M A R Y   A C T I O N   M I N U T E S

\*\*\* KEY \*\*\*

## *Left Margin Notes*

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

## *Right Margin Notes*

- O. = Ordinance
- R. = Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

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*THOMAS W. WILSON, CHAIRMAN*  
*Orange County Board of Supervisors*

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*DARLENE J. BLOOM*  
*Orange County Clerk of the Board*